

EXHIBIT E

**HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER**



Transcript of Gautam Gowrisankaran

Friday, September 1, 2023

*United States, et al. v. JetBlue Airways Corporation
and Spirit Airlines, Inc.*

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - X

4 UNITED STATES OF AMERICA, et al. :

6 Plaintiffs, : Case No. .

7 v. : 1:23-cv-10511-WGY

8 JETBLUE AIRWAYS CORPORATION ::

9 AND SPIRIT AIRLINES, INC., X

10 Defendants

12

14 GAUTAM GOWRI SANKARAN

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18 Washington, D.C.

19 Friday, September 1, 2023

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1 for, say, roll-on bags. And they do account for the
2 prices that they would pay at JetBlue for roll-on
3 bags. Some of them will pay that if they're in Blue
4 Basic, for instance. Others won't pay that if
5 they're not.

6 And so those regressions do account for
7 those ancillary fees, and I don't find anything too
8 different. The harm is a little larger when you
9 account for them, but it's pretty similar to if I
10 just use the DB1B data.

11 Q. You're not saying that the experience a
12 passenger has on JetBlue is the same as the
13 experience a passenger has on Spirit after purchasing
14 all the ancillary products Spirit offers, are you?
15 Still a differentiated experience?

16 A. I've testified already, Mr. Culley, that
17 airlines are differentiated. You know, some people
18 like the snacks on Spirit, and some people like the
19 snacks on JetBlue. Even within JetBlue planes, some
20 people may not want the cheapest fares of Blue Basic
21 because you've got to board last.

22 I know people who like to recline in their

1 seats, and I know other people who say, I like to fly
2 Spirit because the seat, the person in front of me
3 isn't reclining their seat. That means I can read my
4 book more comfortably without worrying about the seat
5 being crashing into me, and crashing into my book.

6 So there's differentiation across these
7 products. You're not going to get exactly the same
8 product when you switch from Spirit to JetBlue.

9 That's for sure. But the point I made is that
10 accounting for a la carte services, if anything, does
11 not decrease the harm that this merger -- the net
12 harm that this merger would result in. It actually
13 increases it.

14 Q. Do you agree that JetBlue is able to
15 closely compete with legacy airlines?

16 A. So that's a really broad statement, and
17 it's going to depend on the market that it's
18 operating in. But as a whole, JetBlue has become
19 more like legacy airlines. It definitely competes
20 with legacy airlines, also with Southwest, and also
21 with Spirit. All those are true. That airlines
22 compete with each other, and JetBlue is no exception